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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 ARMIS ARRENDONDO,

11 Plaintiff,

12 v.

13 D.W. NEVEN, *et al.*,

14 Defendants.
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Case No. 2:09-CV-2158-KJD-VCF

ORDER

16 Presently before the Court is Plaintiff's Motion for Summons and Marshal's Service to
17 Complete Service of the Complaint (#77). On June 13, 2012, the Court ordered Plaintiff to file proof
18 of service of the summons and complaint in accordance with Rule 4(m) no later than July 2, 2012.
19 The Court also ordered Plaintiff to show cause why the claims against all remaining defendants
20 should not be dismissed in accordance with the Court's prior order (#65).

21 Rather than showing proof of service, Plaintiff now seeks leave to have new summons issued
22 and served by the U.S. Marshal's Office. Plaintiff's motion asserts that they remain unserved,
23 because no summons have been issued for these defendants. However, the record clearly reflects that
24 on December 15, 2011, summons were issued for the remaining defendants with the correct
25 addresses (#56). Finally, Plaintiff has failed to show cause why the complaint against the remaining
26 defendants should not be dismissed for the reasons stated in the Court's prior order (#65). Therefore,

1 the complaint against the remaining defendants is dismissed without prejudice in accordance with
2 Federal Rule of Civil Procedure 4(m) for failing to effect service within the allowed time.
3 Furthermore, extending the time to serve the summons and complaint would be futile, because the
4 Court would dismiss the claims in accordance with the Court's prior order (#65).

5 **IT IS SO ORDERED.**

6 DATED this 16 day of July 2012.

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Kent J. Dawson
United States District Judge
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